

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TRACY McGILL,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-06-1406-HE
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Tracy McGill, a state prisoner, instituted this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Valerie K. Couch, who has recommended that the action be transferred to the United States District Court for the Northern District of Oklahoma. The transfer is warranted, the magistrate judge found, because the petitioner is challenging a conviction obtained in the Northern District and his trial records, counsel and any necessary witnesses, if an evidentiary hearing is required, should be more easily accessible there.<sup>1</sup> The petitioner responded to the Report and Recommendation, stating that he did not object to the transfer if the magistrate judge concluded his petition would received fair and unbiased treatment by the federal court in the Northern District.


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<sup>1</sup>The magistrate judge noted that, because the petitioner is incarcerated in the Western District of Oklahoma, the Northern and Western districts have concurrent jurisdiction over the habeas petition. 28 U.S.C. § 2241(d).

The court concurs with Magistrate Judge Couch that the petition should be heard and determined by the United States District Court for the Northern District of Oklahoma. Accordingly, the court adopts her Report and Recommendation and **TRANSFERS** this case to the Northern District of Oklahoma. 28 U.S.C. § 2241(d).

**IT IS SO ORDERED.**

Dated this 16<sup>th</sup> day of January, 2007.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE